

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARCELLO WILLIAM LESTER,  
Petitioner,  
v.  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS,  
Respondent.

No. 2:21-cv-01367-KJM-JDP (HC)

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 13, 2022, the magistrate judge filed findings and recommendations, which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has not filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

1 . . . .”). Having reviewed the file, the court finds the findings and recommendations to be  
2 supported by the record and by the proper analysis

3 Accordingly, IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations filed April 13, 2022, are adopted in full;  
5 2. This action is dismissed for failure to prosecute, failure to comply with court orders,  
6 and for failure to state a claim for the reasons set forth in the court’s October 29, 2021 order;  
7 3. The court declines to issue the certificate of appealability referenced in 28 U.S.C.  
8 § 2253; and  
9 4. The Clerk of Court is directed to close the case.

10 DATED: June 3, 2022.

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12 CHIEF UNITED STATES DISTRICT JUDGE  
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